

## **REMARKS**

### **Claim Status**

Claims 1-44 have been canceled previously. Claims 45, 47-50, 52-55, and 57-59 are currently pending. Claims 45, 50, and 55 are the independent claims. Reconsideration and allowance of the claims argued herein are respectfully requested.

### **Drawings**

The Examiner required new corrected drawings because there is a lack of descriptive text legends for Figs. 1 and 2. Also, the Examiner stated the drawings must show every feature of the invention specified in the claims, and particularly the “antenna”, “processor” and “data memory” in lines 3-5 of claim 50 must be shown or the features canceled from the claim. Applicant has amended Figs. 1 and 2 to add descriptive text, and Fig. 1 to more clearly show the antenna, processor, and data memory of the CPE or customer premises equipment 130 described on page 10, lines 1-4 as including “a processor, program and data memory, mass storage, and one or more antennas for sending or receiving information...” Applicant is filing corrected drawings with this paper in accordance with Examiner’s suggestions in the Office Action, and therefore requests reconsideration of the corrected drawings.

### **35 USC §103 Rejections**

The Examiner rejected claims 45, 47, 50, 52, 55, and 57 under 35 USC §103(a) as being unpatentable over Raissinia (6,430,193) in view of Malmgren (6,807,154). In particular, regarding

independent claims 45, 50, and 55, the Examiner stated that Raissinia teaches steps of determining , by a base station, physical and media access control parameters to be used by each of plural customer premises equipment; packaging said physical and media access control parameters in descriptor packets having a fixed size; pre-announcing said physical and media access control parameters to said customer premises equipment by sending said descriptor packets from said base station to said customer premises equipment, with each descriptor packet sent as a first packet in a time division multiple access frame; determining, by said base station, physical and media access control parameters to be used by each of plural customer premises equipment; packaging said physical and media access control parameters in descriptor packets having a fixed size; and pre-announcing said physical and media access control parameters to said customer premises equipment by sending said descriptor packets from said base station to said customer premises equipment, with each descriptor packet sent as a first packet in a time division multiple access frame. The Examiner noted that Raissinia does not explicitly disclose “new”. The Examiner stated, however, that it is well known in the art of mobile communication that TDMA frame is sent more than one time in the mobile communication, and the parameters embedded within a new/updated/another TDMA frame is “new/updated/another” parameter, and that Raissinia’s steps of determining, packaging, and pre-announcing in a TDMA frame can be repeated for another/new/updated TDMA frame with new/updated/another parameter.

The Examiner stated that Malmgren teaches updating and broadcasting new parameters with descriptor packet as a first packet in TDMA frame, and noted that updating occurs at second/new transmission after first transmission. However, after reviewing Malmgren, Applicants see no

reference of a “new” frame. Malmgren states that “The MAC frame starts with a Broadcast Control Channel (BCCH) which contains information that is transmitted over the entire area that a BS covers (radio cell). The assignment of different MTs capacity is transmitted in the ACH (Announcement & assignment Channel, sometimes referred to as resource grant channel or FCH (Frame Control Channel). (See Malmgren at col. 4, lines 9-15). Further, the Examiner cited Malmgren at col. 4, lines 30-67, which state “In this embodiment radio cell adaptation parameters are only transmitted in the BCCH (or some other permanent or temporary “control channel” for broadcasting messages). This embodiment may assume that the BS has all information necessary to make a decision on a single PHY parameter setting (e.g. code rate, modulation alphabet, time slots/frame) without any interaction (no explicit uplink signaling) with the MTs)...” There is no mention in Malmgren of “new”. Applicants disagree with the Examiner that Malmgren or Raissinia infer a teaching of “new”. The updating occurring at a second transmission after a first transmission is not “new” in Malmgren. And any reference to “updated” in Raissinia or Malmgren is not used in the same way as the term “new” is used in the application.

Applicants teach “In a preferred embodiment, the wireless transport layer includes the capability for instructing customer premises equipment to adjust the physical characteristics on its communication link with the base station controller, and for instructing customer premises equipment to conduct further communications using those *new* physical characteristics.” (*emphasis added*) (See application, page 3, lines 8-12, and Abstract, page 40, lines 4-8). “In a preferred embodiment, this descriptor packet pre-announces the *new* set of parameters to each transmitter or

receiver device, thereby allowing them to configure themselves to the ***new*** set of parameters.”  
(*emphasis added*) (See application, page 13, lines 16-19).

The Examiner rejected dependent claims 48, 49, 53, 54, 58, and 59 under 35 USC 103(a) as being unpatentable over Raissinia in view of Malmgren, and further in view of Newton Telecom Dictionary (Newton). However, since these dependent claims depend either directly or indirectly from independent claims 45, 50, and 55, they are patentable for the reasons described above.

Since Raissinia and Malmgren, either alone or in combination, do not teach or suggest the feature of “***new***” as claimed by the Applicants, independent claims 45, 50, and 55 are patentable over Raissinia and Malmgren. Claims 47-49 depend either directly or indirectly from claim 45, and are therefore patentable over the prior art references as well. Claims 52-54 depend either directly or indirectly from claim 50, and claims 57-59 depend either directly or indirectly from claim 55, and are therefore patentable over Raissinia and Malmgren. For at least these reasons and the reasons explained above, Applicants respectfully submit that the application is patentable over the §103 rejection and request allowance of these claims.

#### No Admission

Applicant’s decision not to argue each of the dependent claims separately is not an admission that the subject matter of those claims is disclosed or suggested by the applied art.

**CONCLUSION**

For the foregoing reasons, Applicants respectfully submit that all pending claims are patentable over Raissini and Malmgren. To discuss any matter pertaining to the present application, the Examiner is invited to call the undersigned attorney at (650) 947-0700. Having made an effort to bring the application in condition for allowance, a timely notice to this effect is earnestly solicited.

Respectfully submitted,

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